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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,748	12/02/2003	Cari Lynn Ugent	330532-00002	3259

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EXAMINER

RAMIREZ, RAMON O

ART UNIT PAPER NUMBER

3632

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,748

Applicant(s)

UGENT ET AL.

Examiner

RAMON O. RAMIREZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2003.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 32 is/are allowed.
- 6) Claim(s) 1-16, 21-25, 27 and 28 is/are rejected.
- 7) Claim(s) 17-20, 26 and 29-31 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Detailed Action

This is the first Office Action corresponding to original filing. The application contains 32 claims.

Specification

The disclosure is objected to because of the following informalities: paragraph 49, lines 1 and 2, "FIG.2" should be -- FIG. 1 --, and paragraph 50, line 2, "FIG.2" should be -- FIG. 1 --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 11 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett et al. (Pat No 5,421,548).

The patent to Bennett et al. shows an I.V stand comprising a base (6) enclosing six wheels, a pole (2) extending upwardly from the base and having a handle (29), and at its top end a plurality of holding means (24), and towing means (102).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. in view of McCoy et al. (Pat No 6,267,613).

The patent to McCoy teaches the use of electrical receptacle on an item. It would have been obvious to one skilled in the art at the time the invention was made to have provided the I.V. stand shown by Bennett et al. to make the device more mobile since it would not be restricted to a specific location of a receptacle on a wall. The specific type of receptacle used, and its location on the stand are considered to be obvious matter of engineering choice to those skilled in the art having no patentable significance.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. in view of McCoy et al. and Sutphen (Pat No 5,038,819).

The patent to Sutphen shows the use of a retractable line cord when used in combination with a stand. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device set forth above with a retractable cord as shown by Sutphen to avoid having the cord loose and provide for a safer environment.

Claims 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. in view of Metz et al. (Pat No 6,585,206).

The patent to Metz et al. shows the use of bumpers for protection against hitting a wall. It would have been obvious to one skilled in the art at the time the invention was made to have provided the stand shown by Bennett et al. with bumper means as shown by Metz et al. to avoid hitting a wall. The location of the bumper would be in the place more likely to have contact with a wall, which will be the base. This type of arrangement, a bumper around a base is commonly found in vacuum cleaners.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al in view of Metz et al. and Sutphen.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the device set forth by Bennett et al. and Metz et al. with a retractable cord as shown by Sutphen to avoid having the cord loose a provide for a safer environment.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. The location of the towing means is considered to be an obvious matter of engineering choice having no patentable significance and would be determined according to the specific purpose of use.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. in view of Schmuhl (5,135,191).

The patent to Schmuhl shows another I.V. stand comprising a base and a hanger means (36) closed to the base. It would have been obvious to one skilled in the art at the time

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the invention was made to have provided the stand shown by Bennett et al. with a hanger means closed to its base as shown by Schmuhl to support an item at a low position within the stand.

Claims 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. in view of Bancalari (Pat No 4,744,536).

The patent to Bancalari shows an I.V. stand comprising a plurality of tube sections (32a-d) extending upwardly from a base, for adjusting the height of the stand. It would have been obvious to one skilled in the art at the time the invention was made to have provided the stand shown by Bennett et al. with a series of sections vertically adjustable as shown by Bancalari in order to adjust the height of the stand to for example, facilitate storage.

Allowable Subject Matter

Claims 17-20, 26, and 29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 32 is allowed.

The following is an examiner's statement of reasons for allowance: none of the art of record discloses an I.V. stand as recited in claim 32, particularly the use of a stabilization bar having routing channels, and a handle coupled to a pole, movable axially along the pole and being oriented obliquely relative to the pole.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bekanich (4,725,027), Lafferty et al. (4,892,279), Johnson et al (6,224,027) and Cedarberg (2002/0096608 A1) show I.V. stands of interest


Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (703) 308-0748. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESLIE BRAUN can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A shortened period for response to this Office Action expires **THREE MONTHS** from the mailing date of this action.


RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632

ROR
August 11, 2004